

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

MATTHEW VANDERSLOOT, individually  
and on behalf of all others similarly situated,,

Plaintiff,

v.

CHARLES BARATTA LLC D/B/A PRIME  
MARKETING,

Defendant.

Civil Action No. 2:24-cv-07096-JMW

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that based on the accompanying Memorandum of Law, Defendant Charles Baratta, LLC, d/b/a Prime Marketing Source (“Defendant” or “Prime”), by and through its undersigned counsel, moves this Court to dismiss Plaintiff’s First Amended Class Action Complaint with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6).

In accordance with the Court’s Minute Order for the parties’ pre-motion conference proceedings (Dkt. 31), any opposition memorandum will be served by or before May 30, 2025, and any reply papers will be served by or before June 16, 2025. Oral argument on Defendant’s Motion to Dismiss the Amended Complaint will proceed on July 8, 2025 at 10:30 a.m.

Dated: May 2, 2025

Respectfully submitted,

/s/ David M. Krueger

David M. Krueger (0085072) (*Pro Hac Vice*)

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*Attorneys for Defendant Charles Baratta, LLC,  
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**CERTIFICATE OF SERVICE**

The foregoing document was electronically filed on May 2, 2025. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

*s/ David M. Krueger*

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